

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM LEON MAROTZ,

No. C-13-01677 DMR

Plaintiff(s),

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT [DOCKET NO.
45]**

v.

CITY OF SAN FRANCISCO ET AL,

Defendant(s).

Plaintiff William Leon Marotz, who is proceeding *pro se*, has filed a motion for summary judgment. [Docket No. 45.] This one-page motion states, in total: “Plaintiff lists all ‘causes of action’ in [sic] complaint (having the full weight as an affidavit) on which summary judgment is sought. The Plaintiff believes there is no genuine dispute as to any material facts and plaintiff is entitled to judgment as a matter of law.”

A court shall grant summary judgment “if . . . there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The burden of establishing the absence of a genuine issue of material fact lies with the moving party, *see Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986), and the court must view the evidence in the light most favorable to the non-movant. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986) (citation omitted). A moving party may meet this burden by “‘showing . . . that there is an absence

1 of evidence to support the nonmoving party's case.'" *Fairbank v. Wunderman Cato Johnson*, 212
2 F.3d 528, 531 (9th Cir. 2000) (quoting *Celotex Corp.*, 477 U.S. at 325) (quotation marks omitted).

3 Plaintiff has presented no facts in support of his motion for summary judgment, and instead
4 urges the court to accept as true all of the factual allegations contained in the complaint. The court
5 notes the sufficiency of those allegations are currently being challenged by the Defendant City and
6 County of San Francisco in its pending motion to dismiss. [Docket No. 27.] Accordingly, Plaintiff
7 has not met his burden of establishing the absence of a genuine issue of material fact, and the court
8 *sua sponte* denies Plaintiff's motion for summary judgment without prejudice.

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IT IS SO ORDERED.

Dated: December 18, 2013



DONNA M. RYU

United States Magistrate Judge